



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
Fierman Produce Exchange Inc.,

Plaintiff,

-against-

Brach Super LLC,

Defendant.
-----X

08 Civ. 2885 (PAC)
ORDER OF DISCONTINUANCE

HONORABLE PAUL A. CROTTY, United States District Judge:

The Court having been advised that all claims asserted herein have been settled¹,
it is,

ORDERED, that the above-entitled action be and hereby is discontinued, without costs to either party, subject to reopening should the settlement not be consummated within thirty (30) days of the date hereof. The Court will sign a Stipulation of Settlement upon receipt from either party. In light of the settlement, the conference scheduled for Wednesday, May 14, 2008 at 3:30 PM has been taken off the calendar. The Clerk of Court is directed to close this case.

Dated: New York, New York
May 13, 2008

SO ORDERED

A handwritten signature in black ink, appearing to read "Paul A. Crotty".

PAUL A. CROTTY
United States District Judge

¹ See attached letter dated May 9, 2008 from Leonard Kreinces.



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May 9, 2008

VIA FACSIMILE TRANSMISSION
to 212-805-6304

Hon. Paul A. Crotty
U.S. District Judge
United States District Court,
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Fierman Produce Exchange, Inc. v. Brach Super LLC
08CV2885 (PAC)

Dear Judge Crotty:

The above-named matter is scheduled for a conference before the Court on May 14, 2008 at 3:30 p.m.

The matter has been settled. I would appreciate it if the Court would issue a thirty (30) day Order, because I want to make certain that the checks which I have received in settlement from the defendant will clear. If they do, I will file a notice of voluntary dismissal. If they do not, I will so advise the Court and ask that the matter be restored accordingly.

The courtesy and cooperation of Chambers is appreciated.

Respectfully,



LEONARD KREINCES

LK/dm

cc: Paul M. Sod, Esq. (via fax)